# Neg- Cambridge Testimony Aff – TOC – Nirmal

## Strat

Moral Expertise K

Kant NC

PIC out of something reprehensible

Cover Case

# 1NC

## 1NC- Expertise K

#### Their evidence states we should defer to moral consensus before individual opinions. This idea of ethical expertise violates the conditions of equal ethical discourse, as we declare some person’s moral judgments to be more valuable than another’s, prima facie.

**Scofield 08** [Giles R. Scofield. “Speaking of Ethical Expertise . . .” Kennedy Institute of Ethics Journal, Volume 18, Number 4, December 2008, pp. 369-384 (Article)] AJ

It is here that “discourse” enters the picture, because it supposedly can and will save the ethicist from overpowering the nonethicist. Unfortu- nately, there is no reason to believe that this can or will be the case, and every reason to believe that it cannot and will not. Here is why. According to Habermas (1990; 1993; 1996; 1998), what matters in discourse is the “force of the better argument.” It is what is said, not who says what—the quality of the argument, not the status of the speaker— that matters, or is supposed to, in any event. In order for this to be the case, a number of conditions must be met, of which two are especially pertinent to this discussion. First, all the participants should have an equal opportunity to present and criticize validity claims. Second, existing power differences among the participants must be neutralized (Habermas 1990, pp. 65-66; Habermas 1993, p. 31; Habermas 2008, pp. 81–82). If it is the case that “moral discourses allow all those concerned an equal say” (Habermas 2008, p. 17), then for so long as the ethicist’s voice is prima inter pares the resulting conversation is not and cannot be a moral/ democratic form of ethics discourse. Because the conditions of equality are neither established nor maintained, it is not and cannot be the force of the better argument, but is and can only be the force of the better—i.e., more powerful—arguer, that carries the day.

#### This model of ethical discourse only re-entrenches oppressive power structures – it also delinks the framework since the moral methodology does not follow from the ideal of non domination.

**Scofield 08** [Giles R. Scofield. “Speaking of Ethical Expertise . . .” Kennedy Institute of Ethics Journal, Volume 18, Number 4, December 2008, pp. 369-384 (Article)] AJ

Not only might Habermas himself have something to say about the ide- alized interactive model espoused by Steinkamp, Gordijn, and ten Have, so do Habermas’s critics, who have pointed out that it is one thing to acknowledge that equality and power have something to do with whether democratic discourse ideally can and does occur, and something else to address and do something about creating and sustaining the conditions under which such discourse really can and does occur (Flyvbjerg 1998a; 1998b; 2001; 2002; 2004; Staats 2004; Plöger 2001; Koerber, Arnett, and Cumbie 2008; Kauffmann 2008; Petts and Brooks 2006; Rayner 2003; Stirling 2008). In staying close to the Enlightenment vocabulary Habermas has developed little understanding of power and thus becomes part of the problem he wishes to solve. Habermas’s efforts to achieve more rationality and de- mocracy, however laudable, draw attention away from critical issues of power. The neglect of power is unfortunate, because it is precisely by paying attention to power relations that we achieve more democracy. If our goal is to move towards Habermas’s ideal—freedom from domination, more democracy, a strong civil society—then our first task is not to understand the utopia of communicative rationality, but to understand the realities of power. (Flyvbjerg 1998, p. 219) Now, if anyone knows that one can and does “do things with words”, it must be someone who possesses “ethical expertise” (Austin 1962). After all, talk is what ethicists do. If they could not or were not doing things— to others—with words, there would be no need for anyone to hire, much less believe that they needed to hire them. But one does not need to be an “expert” in order to know this. One just needs to be “competent.” As competent speakers we are aware of the many ways in which linguistic exchanges can express relations of power. We are sensitive to the variations in accent, intonation and vocabulary which reflect different positions in the social hierarchy. We are aware that individuals speak with differing degrees of authority, that words are loaded with unequal weights, depending on who utters them and how they are said, such that some words uttered in certain circumstances have a force and conviction that they would not have elsewhere. We are experts in the innumerable and subtle strategies by which words can be used as instruments of coercion and constraint, as tools of intimidation and abuse, as signs of politeness, condescension and contempt. (Thompson 1991, p. 1) Because ethicists have ethical expertise, and others do not, then if they hope to fulfill the Habermasian ideal of democratic discourse, they have their work cut out for them, for reasons well articulated by Judith Wilson Ross (1990, p. 293). To choose the role of expert to address these vexing ethical problems is to send the message to doctor, nurse, patient, and family that ethics and moral discussion generally are specialized kinds of knowledge that can be analyzed and applied only be experts—by people who have expertise in this area. It also sends the message that these people have been designated as authorities of some sort and their very judgments should be accepted unless there are very good reasons for not accepting those judgments (and physicians had better be ready to explain why they think they know better than the expert/ethics consultant does). The consultant’s recommendation carries enormous weight by virtue of its being made by a “recognized” (or at least so labeled) authority/ expert. The ethics consultant does not even have to present him/herself as an “ethical expert.” No matter how non- directive, non-judgmental an ethics consultant attempts to be (assuming he/she does make such an attempt), no matter how committed to being a resource, to opening up questions, to stimulating thought rather than to providing answers: such a role in this culture says that the individual who occupies this role has expertise and authority . . . and that others don’t. Much the same point is made by Martha Nussbaum in her discussion of the role that philosophers may and may not play as expert witnesses, in which she clearly argues against the philosopher’s offering an “expert” opinion on ultimate questions about what ought to be done, since this would be antithetical to the democratic virtues. [T]he very role sets one up in a position from which it would be difficult to display the democratic virtues. Even if one got the chance to lay out [one’s] argument in sufficient detail so that the members of one’s audience could follow all its steps themselves, one would, in virtue of one’s very role in the case, be hierarchically ranked above others, in a way that is not expressive of the equality of respect democratic citizens owe one another in a context of debate about fundamental ethical and political questions. (Nussbaum 2002, p. 518) These things being so, contrary to what Theo van Willigenburg (1999) seems to believe, there is no reason to believe that simply having ethicists explain and justify any advice they give or recommendations they make can or will solve the problem, and every reason to believe that it cannot and will not do so. For one thing, because the ethicist is an expert—and others are not—were the ethicist to explain and justify his or her advice and recommendations—e.g., by referring to authors, works, and cases that others would in all likelihood never had heard of, all the while us- ing jargon that he or she has to explain to others—this would serve to confirm and further reify the power/knowledge/ignorance differential that separates the one’s domain from the other’s. Moreover, absent full and complete informed consent, rendering the ethicist’s thinking transparent does not prevent the ethicist from presenting his or her own subjective preference as if it were an objective, inter-subjectively validated truth, but instead enables him or her to do so (President’s Commission 1982, p. 42). Ironically, the best response to the suggestion that ethics consultants can and will make the problems associated with being authority figures go away if they tell us that they are not here to tell us what or how to think, but just want to share with us what and how they think—that they are not here to do our thinking for us, but merely to do our thinking with us—is still the one Mark Siegler (1986) used when this thinking surfaced 20 years ago: “Poppycock!”

#### The impact is systemic oppression and the domination of all life.

Evans 13 [Evans, Brad (from, Deleuze & Fascism: Security: War: Aesthetics, 2013]

This brings us directly to the Foucauldian concept of the bio-political. **Bio- politics** refers to the strategisation of aggregated life for its own productive betterment. It **links the `individual' to the `population' via a general economy of political rule.** Deleuze appreciated the applicability of this concept long before it gained widespread academic currency. In his book Fourem he paid considerable attention to those `diagrams of power' in which **modern systems of production, power and knowledge begin to take into account the `processes of** life', along with the possibility of modifying them: **'administering and controlling life in a particular multiplicity**, provided the multiplicity is large (a population) and spread out or open. It is here that "making something probable" takes on its meaning' (Deleuze 1999: 61). This account of power is significant for two key reasons. First, since life becomes the principle referent for political struggles, life's politics either lives up to political expectations or puts the destiny of the entire species into question. As Deleuze says, `when power in this way takes life as its aim or object, then resistance to power already puts itself on the side of life, and turns life against power: "life as a political object was in a sense taken at face value and turned back against the system so bent on controlling it" (Deleuze 1999: 76). What resistance therefore extracts is 'the forces of life that is larger, more active, more affirmative and richer in possibilities'. Second, once power is broached bio-politically, it becomes increasingly clear why discourses of (insecurity feature heavily in the mobilisation of 'war machines' for the securitisation/betterment of politically (disqualified life. For **when life becomes the principle object for political strategies, violence so often associated with** historical **fascism appears less pathological and more reasoned**: When a diagram of power abandons the model of sovereignty ... when it becomes the `bio-power' or 'bio-politics' of populations, controlling and administering life, it is indeed life that emerges as the new object of power. At that point law increasingly renounces the symbol of sovereign privilege, the right to put someone to death, but allows itself to produce all the more hecatombs and genocides: not by returning to the old law of killing, but on the contrary in the name ofrace, precious space, conditions of life and the survival of a population that believes itself to be better than its enemy, which it now treats not as a juridical enemy of the old sovereign but as a toxic or infectious atent, a sort of 'biological' danger. (Deleuze 1999: 76) **A bio-political reading of fascism is crucial.** **Foregrounding notions of 'life necessity', the possibility that oppressive forms of politicisation can take place within legal frameworks becomes clearer. Fascism** then **is** not necessarily a failure of the liberal imagination even if we understand liberalism to be simply a juridical commitment to rights. Neither is there any reason to believe that normative frameworks (especially those tied to universal moral proclamations) can prevent it from appearing within any social assemblage. To the contrary, normative judgements are in fact part of the problem. Essential to the play of power-politics, 'norms' normalise power over by limiting the political field of possibilities. They provide the necessary moral architecture so that a sophisticated assay of life can take place on the grounds of reasonable deliberation. They claim a monopoly over the terms security, rights, justice and peace, so thatany reason to believe that normative frameworks (especially those tied to universal moral proclamations) can prevent it from appearing within any social assemblage. To the contrary, normative judgements are in fact part of the problem. Essential to the play of power-politics, 'norms normalise power over by limiting the political field of possibilities. They provide the necessary moral architecture so that a sophisticated assay of life can take place on the grounds of reasonable deliberation. They claim **a** monopoly over the terms security, rights,justice **and peace, so that political judgments on the qualities of life become morally binding.** Normative questions are not only therefore central to understanding what qualifies to be politically authentic; it properly disallows life **so that its elimination can take place without any crime being committed.** Less a problem of legal transgression, normative deliberations allow us positively to enforce what is necessary for a life to be lived well. While this entails the promotion of certain qualities so that ways of living thrive, it also entails fundamental decisions about what must be eliminated so that it is possible to overcome those related dangers to the secure sediment of political existence

#### The alternative is ethical inclusion – we must recognize the deliberative and moral capacities of every human being.

**McGrath 11** [McGrath, Sarah. "Skepticism about moral expertise as a puzzle for moral realism." Journal of Philosophy 108.3 (2011): 111] AJ

Consider then an alternative interpretation of the thought that the truths of morality are universally available. On this interpretation, even though some moral truths are unobvious, those truths are nonetheless in principle accessible to all normal adult human beings, in the following sense: none of us lacks the wherewithal to discern those truths, in a way that not all of us have the wherewithal to discern the truths of quantum electrodynamics or algebraic topology. On this view, all normal adult human beings have a level of conceptual sophistication and general intelligence that is sufficient to autonomously grasp the truths of morality, provided that that intellectual and sophistication is properly employed. A proponent of this view might maintain the great bulk of moral disagreement is due to certain common biases, false non-moral beliefs, and simple performance errors that distort our moral reasoning, and that we would converge under suitably idealized conditions of reflection and deliberation.

#### Representations are key to understanding power relations – K comes before fiat. This is the role of the ballot

**Biyanwila 8**—University of Western Australia (Janaka, Re-empowering labour : Knowledge, ontology and counter-hegemony, http://www.tasa.org.au/uploads/2011/05/Biyanwila-Janaka-Session-59-PDF.pdf)

An essential component of union power and issues of empowerment is the production of knowledge. The disempowerment of labour under the neo-liberal intellectual hegemony highlights the need for new forms of counter-hegemonic knowledge. The dominant unions, both in the global South as well as the North, maintain a mono culture of knowledge that situate unions primarily within the realm of production, systems of industrial relations and formal labour markets. In subordinating the realm of social reproduction, and ‘informal’ labour markets, this approach to knowledge evade the lived reality of those, the majority, enduring multiple forms of violence, from hunger to social exclusion in their every day lives. The re-empowerment of unions relates to elaborating union approaches to knowledge or epistemic frameworks that encourage a deeper understanding of union practices as well as communication with other movements. This paper suggests a return to the realm of ontology, the domain of being, in terms of prioritising and transforming the insecurity and violence in everyday life, particularly in the global South. An emphasis on ontology suggests reinforcing social and democratic approaches to knowledge, in order for unions to engage as a counter movement revitalising their identities as civil society actors. ¶ Introduction ¶ Central to debates around union renewal and empowerment is the development of counterhegemonic knowledge capable of organising and mobilising workers (Moody 1997; Lambert, 2002; Waterman, 2005; Clawson, 2003; Hyman, 2004; Webster et al., 2008). Most dominant unions, or the consolidated segments of the labour movement, are compromised within hegemonic knowledge, creating consent to positivist instrumental approaches to knowledge. This mono-culture of knowledge (Sousa, 2003), despite a discourse of diversity and organising ‘new’ workers, represents unions as economic actors, restricted to the workplace, within systems of industrial relations based on a formal economy of exchange. Meanwhile, the less consolidated segments of the labour movement, such as new unions and worker organisations, rely on counter-hegemonic knowledge, or ecologies of knowledge, elaborating their collective identities as a social movement within civil society. The realm of civil society involving organisations, networks and movements, is a space of hegemonic and counterhegemonic struggles, interrelated to the state. Unions as actors within civil society foreground a social and moral economy which is central to strategic theoretical perspectives of ‘community unionism’ and ‘social movement unionism’ (Moody, 1997; Lambert, 2002; Waterman, 2005; Clawson, 2003; Webster et al., 2008). The representation of unions as actors within civil society, emphasise the movement dimension of unions as well as new approaches to knowledge. Nevertheless, these perspectives often fail to factor in the experience of violence in the everyday lives of workers, particularly in the global South. The “South” refers to a status of subordination, in the core-periphery hierarchies of uneven capitalist development, where the historical experience of colonialism, racism, anti-colonial struggles, as well as disillusionment with post-colonial state forms influence the Southern trade union identities (Lambert, 2002).¶ An often ignored significant structural effect of neo-liberal globalisation, particularly in the South, is the spread of violence and insecurity. Under neo-liberal ideology, the spread of “flexible labour markets” and the privatisation public goods, depends on authoritarian state forms that prioritise ‘national security’ over ‘human security’. The generative mechanism of this violence and insecurity are structures of power that reproduce conditions of exploitation, oppression and subjugation (Das, 1990; Galtung, 1996, 2004; Moser, 2001). Various manifestations of violence that permeate multiple scales and temporalities are generated by structural coupling of capitalism, patriarchy, racism and imperialism (Das, 1990; Moser, 2001; Panitch, 2002; Ali and Ercelan, 2004). The adoption of new coercive domestic and international measures by the US in the post 9-11 context, under the ‘war against terrorism’, reflects the restructuring of the coercive apparatuses of all states to coordinate and maintain the US global hegemony (Panitch, 2002). These authoritarian state strategies often depend on ‘uncivil’ actors in civil society for reproducing structures of violence. Of course, this structural violence is debilitating and undermines individual and collective agency. Nevertheless, it is also at the root of social protest and mobilisation (Panitch, 2002). The multiplicity of struggles from Communists Maoists in tribal areas of India to the Zapatistas in indigenous areas of Mexico, illustrate collective struggles forced into violent modes of resistance. ¶ Violence as an expression of power relations involves structural and cultural dimensions. Structural violence (of hunger, poverty, malnutrition, illiteracy) and cultural violence (patriotic, patriarchal, etc) are embedded in power hierarchies based on class, gender, ethnicity, region, caste, age, (dis)ability, and sexuality. These structures of violence are stratified and differentiated with visible and invisible effects. While direct violence, physical and/or verbal, is visible, they emerge from the more invisible cultural and structural violence (Galtung, 2004). Indeed the resistance to structural violence of state and capital by counter forces also appropriates cultural meanings to legitimize their use of violence as the mode of struggle (Ibid.). According to Galtung (2004), transforming violence through human agency requires a counter discourse of peace and non-violence which must be “built in the culture and in the structure, not only in the ‘human mind’”.

## 1NC- Kant

#### <Insert Updated Version of Kant NC + Theory Preempts>

#### <His 1AR Will Collapse to Turns if you overcover framework>

## 1NC- Cyberbullying

#### <Insert recent version of cyberbullying PIC>

## Case

### FW- Top Level

#### The fw lacks a theory of the good – it fails

#### A. what constitutes a moral authority is subjective, racism was considered good by authorities years ago and lacks a brightline

#### B. Moral authorities are impossible to weigh between without an external ethic

#### C. people can always question why they should follow a particular authrotiy

### AT: Lewis

#### Virtues stem from how we fulfill our function so we kill framework at the top level:

#### 1. NC hijacks – human desire is subjective – second order desires are the only universal element of willing that can be the basis of function unconditionally, as “nothing is obligatory unless for its own sake”- just because people tend to act on desire doesn’t mean they CANT abstract

#### 2. Motivations don’t mean something is good – self interest proves weakness of will proves we might wrongfully choose our desires, not that what we did was right

#### 3. No encapsulating 1AR arguments – rationalism doesn’t require us to listen to kant because he is kant, but because we can internally check for logicality

#### 4. This card takes your framework out- the human mind can’t invent values so authorities can’t either, only by basing value on our fundmental inescapable empirical fact of freedom – that solves view from nowhere

#### 5. Ordo amoris has nothing to do with moral authorities

### AT Woods 1 (Epistemic Limitations)

#### 1. The external world is epistemically inaccessible because it is subject to change- we can’t be responsible for things we didn’t do so default to rationalism because we are the only authorities that unconditionally obligate us

#### 2. Respecting the plurality of epistemic projects is only possible if we can pursue ends as we see fit,

#### 3. Regulative epistemology presupposes a notion of what is the right epistemic project- default to the NC, rationalism results in regulative principles

**4. No trivalism trigger- prefer paraconsistent logic that refers to real empirical principles intead of trivial skeptical indicts – your wood card proves paraconsistent truth has meaning in the real world beyond linguistic skeptical indicts**

### AT Woods 2 (Hyperindividualiy Bad)

#### 1. Is ought fallacy – they presume certain intellectual virtues are valuable

#### 2. Cooperative reason just requires pratical rationality and publicizing our reasons to be justifiable – this entails universialtiy to ensure our maxims our consistent with others agency

#### 3. Authority undermines cooperative reason because we just follow someone, which cedes to their hyperinividuality

### AT Huemer

#### 1. Paralysis – intuitions regressive, we’d need a meta intuition to solve conflicts in intuition, only freedom can resolve that because it comes before all primal desires that’s Kaku

#### 2. Intuitions are biased but causal origins which kills objectivity and causes paralysis

#### 3. Rationalism comes first, but that doesn’t mean trusting tabroom was a matter of morality, just instrumental good

### AT McGinnis (Rule Skep)

#### 1. N/U their ev really just says interpreting statements is subjective but gutcheck neg, it’s a performative contradiction because they use speech to claim speech is incomprehensible- your wood card takes this out too

#### 2. T/ NC solves because reason is first personal while the promotion of virtue is done for the purpose of someone else which makes them empirically unverifiable as external

#### 3. Don’t let them apply it to theory…. Kills strat and fairness, also it’s self defeating we can never verify anything, but we are able to do it in the round

### \*\*Contention\*\*

#### Squo solves entirety of case- hate speech is the only thing that’s banned on campuses in the squo, the rest of free speech is nonunique

#### Moore ’16 Social Studies Research and Practice www.socstrp.org Volume 11 Number 1 112 Spring 2016 You Cannot Say That in American Schools: Attacks on the First Amendment James R. Moore Cleveland State University

The first amendment, a crucial component of American constitutional law, is under attack from various groups advocating for censorship in universities and public schools. The censors assert that restrictive speech codes preventing anyone from engaging in any expression deemed hateful, offensive, defamatory, insulting, or critical of sacred religious or political beliefs and values are necessary in a multicultural society. These speech codes restrict critical comments about race, religion, gender, sexual orientation, physical characteristics, and other traits in the name of tolerance, sensitivity, and respect. Many hate speech codes are a violation of the first amendment and have been struck down by federal and state courts. They persist in jurisdictions where they have been ruled unconstitutional; most universities and public schools have speech codes. This assault on the first amendment might be a concern to all citizens, especially university professors and social studies educators responsible for teaching students about the democratic ideals enshrined in our constitution. Teachers should resist unconstitutional speech codes and teach their students that the purpose of the first amendment is to protect radical, offensive, critical, and controversial speech. The first amendment in the Bill of Rights, the foundation of individual freedom in the United States, protecting the freedoms of religion, speech, press, assembly, and petition. These basic freedoms, derived from Enlightenment philosophy and codified in the world’s oldest written constitution, have been an essential characteristic of American democracy and law since 1791. This is continuity considering “between 1971 and 1990, 110 of the world’s 162 national constitutions were either written or extensively rewritten” (Haynes, Chaltain, Ferguson, Hudson, & Thomas, 2003, p. 9). The first amendment has been the conduit employed by U.S. citizens to create an increasingly free and just society based on the constitutional ideals of equality before the law, popular sovereignty, limited government, checks and balances, federalism, and individual liberties (Center for Civic Education, 2009). Advocates for the abolition of slavery and the expansion of civil rights were able, after long struggles, to achieve their goals of expanding freedom and social justice by using their natural rights to free expression and religious liberty (Dye, 2011). Since no constitutional liberty or right is absolute, American institutions continuously debate the definitions, limitations, and exceptions to these fundamental rights based on social, political, and technological changes. This task has been exacerbated by increasing cultural diversity and technological changes (the Internet and social media) that expand communication. In addition, efforts by some people to censor language in the name of tolerance and respect for diversity have increased in recent years (Foundation for Individual Rights in Education, 2013, p.4). The first amendment is the world’s oldest written safeguard for freedom of expression—this includes allowing blasphemy and expression that may be radical, offensive, controversial, ignorant, and militantly bigoted—and is the cornerstone of participatory democracy (Haynes et al., 2003). The first amendment is under constant attack from some religious organizations, political action groups, ethnically-based activist groups, and, most alarmingly, from American public universities that severely restrict freedom of expression and public debate (Foundation for Individual Rights in Education, 2013; Haynes, 2013; Hudson, 2011). The Foundation for Individual Rights in Education (2013) found “62% of universities (254 out of 409 universities in the survey) maintain severely restrictive red-light speech codes – policies that clearly and substantially prohibit protected speech” (p. 4). Many Americans do not understand, or do not accept, that the first amendment protects unpopular, offensive, controversial, and radical speech; this includes making hateful statements about race, gender, religion, and any other topic the speaker wishes to address (Haynes et al., 2003; Marshall & Shea, 2011; Pew Forum on Religion and Public Life, 2010). Many hate speech codes, thus, often are defined “as hostile or prejudicial attitudes expressed toward another person’s or group’s characteristics, notably sex, race, ethnicity, religion, or sexual orientation” (Dye 2011, p. 508). The hate speech instituted in American universities and Kindergarten-12 schools are often, albeit well-intended, violations of the First Amendment (Foundation for Individual Rights in Education; Haynes, 2013; *Saxe V. State College Area School District*, 2001).

#### Turns the case and outweighs

#### 1. Magnitude- Hate speech normalizes psychological violence which renders educational spaces null and increases likelihood of physical violence

* Makes physical violence more likely—empirically proven
* Causes psychological harms
* Makes educational spaces null and void
* Normalizes oppressive practices
* Easy to reject from a position of privilege

**Heinze 14**: Eric Heinze, professor of law & humanities at Queen Mary university of London. March 31, 2014. Nineteen arguments for hate speech bans—and against them. Free Speech Debate. Free speech scholar Eric Heinze identifies the main arguments for laws restricting hate speech and says none are valid for mature Western democracies. <http://freespeechdebate.com/en/discuss/nineteen-arguments-for-hate-speech-bans-and-against-them/>. RW

On all sides of the debate, we can agree that speech is necessary for democracy. Governments ought not to abridge speech willy-nilly. They must show how the speech in question poses a genuine danger. In the case of hate speech, has any such menace been shown? In my book [Hate Speech and Democratic Citizenship](https://global.oup.com/academic/product/hate-speech-and-democratic-citizenship-9780198759027?cc=gb&lang=en&), I reject the classical liberal defences of free speech, let alone newer libertarian ones. I argue that the strongest case for free speech is grounded on specifically democratic principles, which must not be confused with Millian, liberal ones. I cannot reproduce that thesis here, but will briefly respond to some familiar claims raised by the bans’ advocates. 1. The ‘anti-absolutist’ argument: ‘No rights are absolute. Rights must be limited by respect for others, and by the needs of society as a whole. The British Lord Bhikhu Parekh writes, “Although free speech is an important value, it is not the only one. Human dignity, equality, freedom to live without harassment and intimidation, social harmony, mutual respect, and protection of one’s good name and honour are also central to the good life and deserve to be safeguarded. Because these values conflict, either inherently or in particular contexts, they need to be balanced.” There are, moreover, many regulations of speech to which no one objects, punishing, for example, commercial fraud, graffiti, or courtroom perjury. Hate speech bans are no different.’ The ‘not speech’ argument: ‘The crudest hate speech is not really speech at all. It is merely the kind of “inarticulate grunt” that can legitimately be banned because it forms, in the words of US Supreme Court Justice Anthony Kennedy, “no essential part of any exposition of ideas.”’ The ‘Weimar’ (or ‘snowball’) argument: ‘Democracy under the Weimar Republic or the former Yugoslavia show that too much free speech leads to atrocities. Some offensive remarks may, on the surface, appear harmless. But seemingly innocuous offences snowball into more pernicious forms. Once speech reaches a Nazi-like extreme, it becomes too late to avert the dangerous consequences.’ The ‘direct harm’ argument: ‘Hate speech can cause psychological harm, just as hate-motivated violence causes physical harm. Children who are called “nigger”, “Paki”, or “queer” suffer just as much as when they are physically bullied. For adults, verbal abuse can render workplace, educational or other environments unbearable.’ The ‘indirect harm’ argument: ‘The harms of hate speech do not manifest in a conventionally empirical sense. From some phenomenological and socio-linguistic perspectives, hateful expression is “illocutionary”, i.e. not merely denoting hatred but enacting discrimination, and “perlocutionary”, disseminating adverse psychological effects regardless of any materially evident impact. Anthony Cortese describes a “cultural transmission theory”, whereby cultures “pass hate on to each succeeding generation, making intolerance “normal or conventional.” Hate speech germinates intolerance, not through discrete, causally traceable chains of events, but through cumulative effects.’ The ‘hate crime’ argument: ‘The bans are necessary because hate speech is commonly connected to hate-based acts of murder, battery, rape, assault, and property theft or damage.’ The ‘disproportionate impact’ argument: ‘It’s easy for those in privileged positions to oppose hate speech bans. They do not bear the brunt of hatred. But “individual freedom” looks different from the viewpoint of historically vilified groups.’

#### Turns counterspeech- psychological violence hurts ability to participate in the movement

#### 2. Inclusivity- It causes less discursive participation from minorities which harms ability to reach the truth

**Horne 16**: Solveigh Horne, Minister of children and equality in Norway. “hate speech—a threat to freedom of speech.” March 8, 2016. Huffington Post. <http://www.huffingtonpost.com/solveig-horne/hate-speech--a-threat-to_b_9406596.html>. RW

Hate speech in the public sphere takes place online and offline, and affects young girls and boys, women and men. We also see hate speech attacking vulnerable groups like people with disabilities, LGBT-persons and other minority groups. Social media and the Internet have opened up for many new arenas for exchanging opinions. Freedom of speech is an absolute value in any democracy, both for the public and for the media. At the same time, opinions and debates challenge us as hate speech are spread widely and frequently on new platforms for publishing. Hate speech may cause fear and can be the reason why people withdraw from the public debate. The result being that important voices that should be heard in the public debate are silenced. We all benefit if we foster an environment where everybody is able to express their opinions without experiencing hate speech. In this matter we all have a responsibility. I am especially concerned about women and girls being silenced. Attempts to silence women in the public debate through hate speech, are an attack on women’s human rights. No one should be silenced or subjected to threats when expressing themselves in public. Women are under-represented in the media. In order to get a balanced public debate it is important that many voices are heard. We must encourage women and girls to be equal participants with men. Hate speech prevents women from making their voices heard. I also call upon the media to take responsibility in this matter. In some cases the media may provide a platform for hate speech. At the same time, I would like to stress that a liberal democracy like Norway strongly supports freedom of speech as a fundamental right.

### NC Turns Case

#### 1. Kant is a moral authority - he helped ethics out of numerous skeptical indicts that would’ve justified massive violence—he negates

#### 2. MLK agrees unequal starting points for political activism are bad in your article

“This, he continued, was the cry of people “determined to gain our rightful place in God’s world.”

#### 3. Obama is a Kantian-

Gottlieb 09 Gottlieb, Gabriel, Gabriel Gottlieb, and View profile. "Is Obama A Kantian?". Selfandworld.blogspot.com. N. p., 2009. Web. 9 Feb. 2017.

In his speech at his first state dinner honoring the prime minister of India, Obama approvingly quotes Kant: "For it's been said that 'the most beautiful things in the universe are the starry heavens above us and the feeling of duty within us.' Mr. Prime Minister, today we worked to fulfill our duty --bring our countries closer together than ever before. Tonight, under the stars, we celebrate the spirit that will sustain our partnership -- the bonds of friendship between our people."

#### 4. Ilaw doesn’t permit hate speech

Cohen 14 [Cohen, Roni. (J.D. Candidate, 2015, The University of Chicago Law School. ) “Regulating Hate Speech: Nothing Customary About It” Chicago Journal of International law. 6-1-2014. ] NB

International law holds freedom of expression in high regard.127 Indeed, there are several international covenants and treaties that protect an individual's right to speech. The Universal Declaration of Human Rights ("UDHR") affords everyone "the right to freedom of opinion and expression ... [which] includes freedom ... to seek, receive and impart information and ideas through any media and regardless of frontiers."1 28 Additionally, Article 19(2) of the International Covenant on Civil and Political Rights ("ICCPR") indicates that the "right to freedom of expression" includes the "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media."l29 Similar provisions can be found in the European Convention on Human Rights ("ECHR"),130 American Convention on Human Rights ("American Convention"),31 and African Charter on Human and Peoples' Rights ("African Charter").132 Further, the European Court for Human Rights, regarding freedom of expression as a fundamental foundation of democratic society, repeatedly held the freedom "applicable not only to information or ideas that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb."133 This respect for freedom of expression does not, however, imply that restrictions on hate speech necessarily violate international law. In fact, international agreements prescribe limitations on free speech when that speech is discriminatorily aimed at individuals.134 The International Convention on the Elimination of All Forms of Racial Discrimination ("ICERD") requires state parties to criminalize "all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all . . incitement to [acts of violence] against any race or group of persons of another colour or ethnic origin."13 5 It also requires states to prohibit "organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law.""' Further, the protections to individual dignity affirmed in ICERD are not inconsistent with language in the other treaties that affirmatively protect freedom of expression. The UDHR, for instance, makes the guarantee of freedom of expression subject "to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others.""' Similarly, Article 19 of the 1CCPR qualifies the right as "carr[ying] with it special duties and responsibilities" subjecting it to certain limitations, such as "respect of the rights or reputations of others.""' Interpreting this article, the United Nations Human Rights Committee commented, "[i]t is the interplay between the principle of freedom of expression and such limitations and restrictions which determines the actual scope of the individual's right.""' In the manner of ICERD, the 1CCPR goes further, requiring states to outlaw "[a]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence."l40 The ECHR,14' American Convention,142 and African Charter'43 also place restrictions on the right to freedom of expression. International courts have reinforced the understanding that limitations on speech are affirmatively allowed, if not required, under international agreements. The European Commission on Human Rights has interpreted the ECHR in particular not just to allow restrictions but also, like the ICCPR and ICERD, affirmatively to require them.'" For example, in Jersild v. Denmark,4'5 the European Court of Human Rights held that hate speech could be prohibited because it is contrary "to the protection of the reputation or rights of others."146 The ICTR agreed when, after examining "well-established principles of international and domestic law," it held that "hate speech that expresses ... discrimination violates the norm of customary international law prohibiting discrimination.l1 47 Further, international entities with appellate authority over domestic hate speech cases have affirmed convictions. For example, the UN Human Rights Committee upheld the conviction of a French university professor for advocating revisionist theories of the Holocaust under France's Gayssot Act, which criminalizes questioning the existence of proven crimes against humanity.'48 The Committee determined that the conviction was consistent with the free speech protections of ICCPR. Additionally, The European Court of Human Rights has found restrictions on freedom of expression to be consistent with free speech guarantees of the ECHR.149 Finally, scholars generally seem to agree that international law at the very least permits prohibitions on hate speech.'

#### ILaw is a moral authority- it’s made up of multiple qualified people who are the leaders of their independent countries and have been elected for a reason

#### 4. Arnold Schwarzenegger negates- hateful rhetoric against women is not allowed

**Brown 1-20** [Nicole Brown, 1-20-2017, "Celebrities against Donald Trump," am New York, <http://www.amny.com/news/elections/celebrities-against-donald-trump-1.11550611>] NB

In [a statement](https://twitter.com/schwarzenegger/status/784803865723965440" \t "_blank) following the release of a video of Trump speaking offensively about women in 2005, Arnold Schwarzenegger said he will not vote for the Republican nominee. "As proud as I am to label myself a Republican, there is one label I hold above all else -- American," he said. "So I want to take a moment today to remind my fellow Republicans that it is not only acceptable to choose your country over your party -- it is your duty."

#### He’s a good role model- his model for leading a good life is excellent

**Masi** [Chris Masi, xx-xx-xxxx, "Is Arnold Schwarzenegger a good role model?," <http://chrismasi.net/arnold-schwarzenegger-good-role-model-different-reasons-think/>] NB

What we can learn from Arnold is a general approach to life. When Arnold found bodybuilding, he found something that had intrinsic value to him. Arnold might have dreamed of becoming the best bodybuilder in the world, but all teenagers have similar dreams. These dreams were neither the reason nor the prime motivation why Arnold became successful. The reason Arnold chose bodybuilding over any other sport was his passion. After Arnold had realized that he had the natural ability to become a great bodybuilder, he made the best of his strengths. Arnold did not overcome incredible odds to force his dream on the world. Arnold cleverly combined his strengths and passions, which helped him to achieve happiness and success. This combination was more important to Arnold’s success than ambition and hard work. When Arnold wanted to become an actor, he used his muscles to apply for action roles, not his acting talents to try to play Shakespeare – he played to his strengths to live his passion. While most of us will never achieve Arnold’s level of success, following a similar approach to life can help us make the most of our opportunities and be happy. We often get so caught up in our pursuit of greatness that we chase dreams that neither make us happy nor that we have a chance to accomplish. The result is continuous failure, disappointment, and, eventually, deep crisis. We can lead better lives by realistically combining our strengths and passions than by trying to achieve visions of greatness, only to fail and be disappointed. If that leads us to similar success as Arnold – great. If not, at least we have spent our time doing what we love.

o/w

1. timeframe- his model of life is portable to individuals and they can use it in the rest of their lives
2. probability- he is much more likely to be against hate speech compared to the aff’s authors

#### 5. Sadhguru negates- he thinks free speech has it’s limits at hate

**Tsering 16** [Tenzin Tsering, May 6, 2016, "Keeping Freedom of Speech Alive in India," Isha Blog, <http://isha.sadhguru.org/blog/sadhguru/masters-words/keeping-freedom-of-speech-alive-in-india/>] NB

Q: Sadhguru, today we see a lot of people taking an anti-establishment stance in the name of freedom of speech. But where do we draw the line between freedom of speech and anarchy? Sadhguru: “Freedom” is a bad word because I have always seen, the moment somebody starts talking about freedom, they start doing irresponsible things. “Responsibility” is the right word because where there is no responsibility, there will anyway be no freedom. Only if all of us behave responsibly, there is some freedom. If we start behaving irresponsibly towards each other, there will be no freedom. The Outdated Romance of Revolution Right now, there are a lot of people still living in the romance of revolution. They do not understand that it is a romance of another time. There is no place for such a thing in today’s world. At one time, in South America and Mexico, it was very romantic to be part of a revolution. You pick up a gun and shoot some guy, and you are in revolution. There is a small segment of population in India who is still in that mode, and certain parts of the country are still in the romance of revolution. Every day, they are bombing or shooting someone. And there are a lot of people in the universities and schools who are fired up by this romance and are talking about the same revolution. They do not know what the purpose of this revolution is, but they want revolution – just like that. When people are young, it is very easy to fire them up against something. But this idea of revolution is over. Today, if you want to cause a revolution, educate a hundred children or plant a million trees. Today, solution is revolution. In those days, the world was ruled by tyrants with guns, so fighting and killing them was a revolution. Today, almost the entire world is democratic. You just have to wait for another four or five years – they will go! Today, what matters is whether you have a revolutionary idea for a solution. Once there is strife, there is no freedom left. If you look at Iraq or Syria and wherever Islamic State is going on, do you think you would have freedom of speech there? If you open your mouth, you may catch a bullet. There is no freedom of any kind. Once strife happens, slavery is what happens, not freedom. If you want freedom to exist, responsible behavior is most important. If you value freedom of every kind, the most important thing is to maintain law and order, to follow the rules of the game in which we are, and express what we want to within that. Maintaining order and keeping the balance of everything is the only way we will have freedom. True Freedom of Speech When we say freedom of speech, it means everyone can say what they want. Everyone will be allowed to say what they want only if they speak responsibly. If we start saying whatever we feel like to each other, people will start slapping each other on the face, no matter what the law may be. Once somebody slaps you, you will slap them, then they shoot you, then you shoot them, then there will be no freedom of any kind.

#### Sadghuru is the closest thing to a living god- he is the primary moral authority

**Isha Foundation** ["About Sadhguru," No Publication, <http://www.ishafoundation.org/Sadhguru>] NB

Sadhguru, a yogi and profound mystic of our times, is a visionary humanitarian and a prominent spiritual leader. A contemporary Guru, rooted as strongly in mundane and pragmatic matters as he is in inner experience and wisdom, Sadhguru works tirelessly towards the physical, mental, and spiritual well-being of all. His mastery of the mechanisms of life, an outcome of his profound experience of the Self, guides in exploring the subtler dimensions of life. At home in loincloth as much as he is in blue jeans, barefoot through the mighty Himalayas, or straddling a BMW motorcycle on the expressway, Sadhguru is the most unusual mystic that one can encounter. Marking a clear departure from mere customs and rituals, Sadhguru's scientific methods for self-transformation are both direct and powerful. Belonging to no particular tradition, Sadhguru incorporates and presents what is most valid for the contemporary life from the yogic sciences. Sadhguru speaks at some of the world's most prominent international leadership forums. In January 2007, he participated in four panels at the World Economic Forum and spoke on issues ranging from diplomacy and economic development, to education and the environment. In 2006, he addressed the World Economic Forum, the Tallberg Forum in Sweden, and the Australian Leadership Retreat. He has also served as a delegate to the United Nations Millennium Peace Summit and the World Peace Congress. Sadhguru's vision and understanding of modern social and economic issues have led to interviews with BBC, Bloomberg, CNBC, CNNfn, and Newsweek International. His insights are regularly featured in India's leading national newspapers. A well-known public figure, he regularly draws crowds of more than 300,000 people for his public talks and "sathsangs" (group meditation). Traversing seamlessly from the ancient to the ultramodern, Sadhguru bridges the gap between the known and the unknown, enabling all those who encounter him to explore and experience the deepest dimensions of life.

o/w

1. spirituality- he has increased his potential for awareness to realization of the self and is the leading innovator of self-engineering, he best reflects on how the self should operate
2. consisetency- for the past 20 years, he has committed himself to making the world better and sleeps 4 hours a day while traveling the entire world

#### 6. Justin Trudeau negates- he doesn’t allow hate speech

**Geller 17** [Geller Report Staff, 3-24-2017, "Canada Moves Forward Motion Giving Islam Special Hate Speech Protections," Geller Report, <http://pamelageller.com/2017/03/canada-moves-forward-motion-giving-islam-special-hate-speech-protections.html/>] NB

Politicians in Canada moved forward a motion, with a vote of 201 to 91, that gives Islam special protections under hate speech laws. Prime Minister Justin Trudeau is on board with the motion. Liberals and New Democrats supported the measure, which basically tells a special committee to study how Canada might go about “eliminating” instances of “Islamophobia,” Life Site News reported. It also gives the government the authority to collect Islam-tied “hate crimes” data, and to analyze that data to see if additional government action is needed.

#### Trudeau is a great moral authority- he values equality and progression for the world

**Oswald 16** [Anjelica Oswald, 6-30-2016, "25 reasons the whole world is obsessed with Canadian Prime Minister Justin Trudeau," Business Insider, <span class="skimlinks-unlinked">http://www.businessinsider.com/25-reasons-people-love-canadian-prime-minister-justin-trudeau-2016-6/#hes-fighting-to-reduce-childhood-poverty-8</span>] NB

The world is obsessed with [Justin Trudeau.](https://www.liberal.ca/rt-hon-justin-trudeau/" \t "_blank) Trudeau was elected the 23rd Prime Minister of Canada in October 2015, and instantly won fans with his progressive and liberal policies. He's handsome. He's a feminist, and he's a family man. In honor of Canada Day on Friday, July 1, here are 25 reasons why the world is obsessed with Canada's prime minister: Trudeau is a progressive leader and isn't afraid of immigration. More than 28,000 Syrian refugees have been welcomed to Canada since November 2015. He doesn't just speak; he acts. Trudeau went to the airport to personally greet refugees arriving in December and gave them winter coats. "This is a wonderful night where we get to show not just a plane load of new Canadians what Canada is all about, but we get to show the world how to open our hearts and welcome in people who are fleeing extraordinarily difficult situations," he said, according to [The New York Times](http://www.nytimes.com/2015/12/12/world/americas/syria-refugees-arrive-in-canada.html" \t "_blank). He has repeatedly called himself a feminist. "If you’re a progressive, you really should be a feminist because it’s about equality. It’s about respect. It’s about making the best of the world that we have,” he said. He's combating climate change and promoting clean energy practices — 81% of Canada's electricity is already provided by hydroelectric, solar, wind, and nuclear power. He signed the Paris Agreement in 2016 He’s an LGBT ally and will be the first sitting prime minister to march in Toronto's Pride Parade, which takes place July 3. He has attended pride parades before, like the Toronto parade in 2013 (seen below) and the Vancouver parade in 2015.

### AT: MLK

#### 1. MLK agrees equality is more important—your card

“King’s vision of the Promised Land included equal rights for all, and those rights included freedoms of belief, speech, press, assembly, and protest”

2.

### AT: Obama

#### Obama negates if we win hate speech hurts democratic inclusion

Obama agrees in your card

"The way to do that is to create a space where a lot of ideas are presented and collide, and people are having arguments, and people are testing each other’s theories, and over time, people learn from each other,"

# 2NC

## 2NC- Expertise K

### 2NC- Experts OV

#### The role of the ballot is to examine power relations through representations – that’s Biyanwila 8, which is the role of the ballot. None of the post fiat effects of the aff matter – only the effects of their discourse and representations are important.

#### The advocacies you have to compare are the alt and the perm/aff.

#### Extend Scofield 1 – the deference to moral expertise violates the conditions of equal ethical discourse, by denying the ability of everyone else to participate in ethical discussion. This means all ethical conclusions of such discourse are false since they’re the product of a flawed process.

#### Extend Scofield 2 – unequal ethical discourse reinforces oppressive power structures. Ethics is the most important field since ethical decision-making literally guides every other action – excluding people from these discussions is uniquely bad and outweighs other offense.

#### Extend Evans 13 – unequal power structures create enduring oppression and destroy value to life

#### Only the alt solves – that’s McGrath 11 – discursive ethical inclusion solves since all people have the ability to engage in ethical discourse